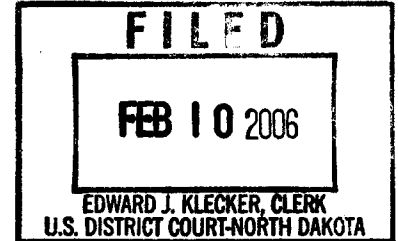


IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION



Connie M. Boe,

Plaintiff,

vs.

Jo Anne Barnhart, Commissioner of  
Social Security Administration,

Defendant.

Case No. 3:05-mc-20

**REPORT AND RECOMMENDATION**

Before the court is Connie Boe's application to proceed without prepayment of fees and affidavit (Doc. #1), seeking an order of the court to proceed *in forma pauperis* (IFP). For the following reasons, the undersigned **RECOMMENDS** that Boe's request to proceed without prepayment of fees be **DENIED**.

Boe's application demonstrates that she personally has limited income and could not afford to pay the \$250 filing fee. Boe is currently unemployed and has \$300 in her checking/savings account. Boe's application states that her husband financially supports her and the couple's two children. She lists Mr. Boe's take-home salary as \$58,000 as of November 9, 2005. The Boes jointly own their personal residence and a vehicle.

To conduct a meaningful review of an IFP application, the undersigned considers each application individually as well as in comparison to applications granted in the past. The court recognizes that Boe does not have significant cash resources. However, Mr. Boe's take-home

salary is significantly greater than the income of typical IFP applicants. Given the Boe family income, the undersigned concludes Connie Boe can pay the filing fee necessary to file this claim. Accordingly, **IT IS RECOMMENDED** that Boe's IFP application (Doc. #1) be **DENIED**.

Pursuant to Local Rule 72.1(E)(4), any party may object to this recommendation within ten (10) days after being served with a copy.

Dated this 9<sup>th</sup> day of February, 2006.

  
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Karen K. Klein  
United States Magistrate Judge